

CHAPTER 3 COMPREHENSIVE PLAN: HOUSING ELEMENT

Secs.	
300	Declaration of Major Policies
301	Housing Goal
302	Housing: General
303	Low- and Moderate-Income Housing
304	Housing for the Elderly
305	Housing Linkage
306	Public Action
399	Definitions

300 DECLARATION OF MAJOR POLICIES

300.1 The District recognizes its obligation to facilitate the availability of adequate, affordable housing to meet the needs of current and future residents. However, government alone cannot provide affordable housing for all District citizens.

- (a) Partnerships between the private sector, nonprofit housing providers, and the District government are necessary to meet the growing housing needs of District residents; and
- (b) Community participation in the planning process is also essential to ensure that programs and actions are effective in meeting community needs, including a desired sense of community cohesion.

300.2 A central theme of the Housing Element is that the District must stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types. The District will continue to use all available public and private resources to support a variety of programs designed to do the following:

- (a) Extend affordable homeownership opportunities to low- and moderate-income households;
- (b) Provide housing assistance to low- or fixed-income homeowners;
- (c) Protect existing housing stock from demolition and conversion to non-housing uses; and
- (d) Stimulate the construction and rehabilitation of affordable housing by private for- profit and non-profit housing providers.

300.3 A major priority is to maintain and upgrade the District's affordable rental stock, including public housing developments and subsidized housing units, which has been, and will continue to be, the primary source of shelter for low- and moderate-income households.

- 300.4 Housing in the District is viewed as a key part of a total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities.
- 300.5 The District has established its commitment to fair housing under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38, D.C. Code §1-2501 *et seq.*). Eliminating discriminatory barriers to the availability of housing is a major goal.
- 300.6 The District should continue and intensify its efforts to identify and address issues applicable to the elderly population, including institutional housing and community-based residential facilities. Zoning and health regulations should be designed to promote an increase in supply, security, and affordability of housing for the elderly.
- 300.7 The District government recognizes the need to increase the supply of child care facilities in each residential area and should intensify District government efforts to identify and address issues applicable to child care. Zoning and health-care regulations should be designed to promote an increase in affordable child care programs and facilities.
- 300.8 Additional commercial office space at appropriate locations, derived from discretionary zoning density increases or street or alley closings, shall be used to leverage the production of affordable housing throughout the District of Columbia.

301 HOUSING GOAL

- 301.1 It is the goal of the District to have adequate affordable housing for all District residents in communities that have access to services and facilities to meet their needs.

302 HOUSING: GENERAL

- 302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.
- 302.2 The policies established in support of the general objectives for housing are as follows:
- (a) Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives, recognize the importance of the lending industry in housing development, identify sites where new housing is to be encouraged, and, in selected cases, provide incentives for desired development;

- (b) Review and recommend suitable regulatory zoning, tax, and financing incentives under appropriate controls to meet housing production goals, particularly for low-income, moderate-income and elderly households;
- (c) Work with owners and community groups to identify vacant housing units suitable for rehabilitation and make restoration of vacant units to the housing stock a major government priority;
- (d) Designate, as residential development opportunity areas, sites where significant housing development can appropriately occur and encourage multi-unit housing development near selected Metrorail stations, at locations adjacent to Downtown, and adjacent to proposed employment centers and office areas;
- (e) Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized, or unused, and encourage adaptive reuse of surplus schools and other available public buildings as housing, with particular emphasis upon the needs of low- and moderate-income residents;
- (f) Encourage the private sector to meet housing needs through the development of infill housing and permit the use of appropriate manufactured and modular construction techniques;
- (g) Encourage the use of the most energy-efficient systems and methods for insulating, heating, and cooling all types of housing;
- (h) Establish concrete goals for the location, type, size, and cost of new housing units by ward and neighborhood based upon a needs assessment study to be conducted by the executive branch using the latest census and other available data for the District, to be done at least every ten (10) years; and
- (i) Encourage the provision of affordable housing by requiring private developers who obtain additional commercial office space from discretionary zoning density increases or street or alley closings at appropriate locations to contribute to the production of affordable housing throughout the District of Columbia.

303 LOW- AND MODERATE-INCOME HOUSING

303.1 The objectives of the District for low- and moderate-income housing are as follows:

- (a) To provide for the housing needs of low- and moderate-income residents;
- (b) To improve the District's low-rent housing program;

- (c) To create and maintain moderate-cost housing environments that enhance the quality of life for their residents;
- (d) To provide opportunities for residents of District-owned and District-assisted housing to achieve self-sufficiency and upward mobility;
- (e) To encourage home ownership; and
- (f) To reduce the overall cost of housing among low- and moderate-income households.

303.2 The policies established in support of the low- and moderate-income housing objectives are as follows:

- (a) Establish as a matter of major governmental priority the production of housing for low- and moderate-income households and provide a trouble-shooting unit composed of representatives of the public, private, and nonprofit sectors to identify impediments to housing production;
- (b) Expedite public programs to stimulate housing production and housing rehabilitation in urban renewal areas, other publicly owned sites, and residential development opportunity areas;
- (c) Act to complete the development of urban renewal properties designated for low- and moderate-income housing, and review and simplify requirements affecting this development;
- (d) Provide zoning incentives, as appropriate, to developers prepared to build low- and moderate-income housing, such as permitting additional densities in exchange for incorporating low- and moderate-income housing in development projects; tie provision of housing into large-scale commercial developments where zoning benefits are sought; and give zoning preferences to mixed-use sites that include housing near appropriate Metrorail stations;
- (e) Continue to rehabilitate and improve the District's public housing stock to meet current housing standards, when necessary remove units where excessive densities or other design factors make rehabilitation undesirable after appropriate replacement units have been provided, and provide for a mix of income levels and household sizes in rehabilitated projects;
- (f) Maintain or expand, as funds permit, the scattered-site acquisition program for low-rent housing (maintain the properties to comply with building and housing codes);

- (g) Improve the overall management of the District's public housing program, decentralize property management functions, accelerate the effective involvement of the residents in the management and maintenance of their housing development, encourage tenants to share responsibility for the condition of their housing, promote tenant-organized management committees, and enlist tenants for actual maintenance with compensation;
- (h) Provide loans and grants to encourage homeownership by low- and moderate- income renters. These arrangements may be provided in connection with incentives to private developers who build housing for low- and moderate- income households at suitable locations;
- (i) Develop and encourage the use of the most energy efficient systems and methods for insulating, heating, and cooling multi-unit low- and moderate- income rental housing;
- (j) Seek to provide assistance to families displaced by housing market forces; and
- (k) Continue the city's comprehensive effort to address the number and percentage of vacancies within the District's public housing inventory, including establishing accurate and comprehensive specifications for vacant units, increasing inspection capacity or hiring third parties to monitor work in process, and developing stronger internal controls for the procurement of contractors, equipment, and materials.

304 HOUSING FOR THE ELDERLY

- 304.1 The objectives for housing for the elderly are to provide for the housing needs of elderly households and to reduce the overall cost of housing among elderly households.
- 304.2 The policies established in support of the housing for the elderly objectives are as follows:
 - (a) Establish as a matter of major governmental priority the production of housing for elderly households;
 - (b) Expedite public programs to stimulate private-sector construction and rehabilitation of housing for the elderly, and continue comprehensive efforts to modernize and upgrade District-owned housing for the elderly projects;
 - (c) Provide zoning incentives to developers prepared to build elderly housing, such as permitting additional densities in exchange for incorporating elderly housing in development projects, and give zoning preferences to mixed-use sites which include housing near appropriate Metrorail stations; and
 - (d) Continue to rehabilitate and improve the District's publicly owned housing for the elderly units.

305 HOUSING LINKAGE

305.1 The housing linkage objective is to require applicants who obtain bonus commercial office space as a result of a discretionary and otherwise appropriate street or alley closing or zoning density increase to produce housing or contribute funds to the production of housing, particularly housing that is affordable to low- and moderate-income households throughout the District, in an amount based on a formula tied to the amount or value of the additional commercial office square footage obtained.

305.2 In establishing the housing linkage objective, the District sets forth the following purposes:

- (a) To encourage the construction and rehabilitation of housing throughout the District of Columbia, particularly housing that is affordable to low- and moderate-income households;
- (b) To reduce a shortage of affordable housing in the District which has been caused in part by increased demand for this housing from employees of new commercial development who compete with present residents for scarce, vacant affordable housing, and by high land values which raise the cost of housing and which are partly a function of the demand for additional commercial office space in the National Capital; and
- (c) To increase the income tax base and labor force in the District by providing a mechanism to stimulate the development and expansion of housing for employees in the District who cannot afford to reside in the District.

305.3 The policies established in support of the housing linkage objective are as follows:

- (a) Except as provided in §305.11 of this section, whenever the Council approves a discretionary and otherwise appropriate street or alley closing which results in the provision of additional commercial office space, or whenever the Zoning Commission approves a discretionary and otherwise appropriate zoning density increase which results in the provision of additional commercial office space, the applicant who obtains the additional commercial office space shall be required to comply with the following housing requirement:
 - (1) The applicant shall construct or rehabilitate housing that is affordable to low- and moderate-income households in the District, the minimum amount of which shall be calculated by the formula set forth in §305.3(b) of this section, which shall be dedicated to use for affordable housing for no fewer than twenty (20) years, and which shall be developed in accordance with the schedule set forth in §305.13 of this section; or

ENROLLED ORIGINAL

- (2) The applicant shall contribute funds, the minimum amount of which shall be calculated by the formula set forth in §305.6 of this section, to a housing trust fund in accordance with the schedule set forth in §305.13 of this section;
 - (b) Except as provided in §305.4, if the applicant agrees to construct or rehabilitate the affordable housing, then the total square footage of the affordable housing that the applicant shall be required to construct or rehabilitate shall be as follows:
 - (1) Not less than one-fourth (1/4) of the total square footage of the additional commercial office space, if the required affordable housing is located on or adjacent to the site of the additional commercial office space;
 - (2) Not less than one-third (1/3) of the total square footage of the additional commercial office space, if the required affordable housing is located off or not adjacent to the site of the additional commercial office space, and if the housing is located within the advisory neighborhood commission area where the additional commercial office space is located or within an area designated on an enacted land use map of the Comprehensive Plan as a housing opportunity area; or
 - (3) Not less than one-half (½) of the total square footage of the additional commercial office space, if the required affordable housing is located in any other area of the District.
- 305.4 If the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the total square footage of the required affordable housing shall be not less than the total square footage of the removed housing plus the square footage of housing required by §305.3(b).
- 305.5 If the applicant agrees to construct or rehabilitate affordable housing pursuant to §305.3(a), the applicant may satisfy this agreement in any manner chosen by the applicant, including but not limited to a joint venture, partnership, contract, or arrangement with another party to develop the required housing.
- 305.6 Except as provided in §305.7, if the applicant agrees to contribute funds to a housing trust fund, the amount of funds to be contributed shall be no less than the total of one-half (½) of the assessed value of the total square footage of additional commercial office space.
- 305.7 If the applicant agrees to contribute funds to a housing trust fund, and if the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the amount of funds to be contributed shall be no less than the total of the assessed value of the housing units that are removed plus one-half (½) of the assessed value of the total square footage of additional commercial office space.

- 305.8 Nothing in this section shall require the Zoning Commission to grant or deny an application for a zoning density increase.
- 305.9 Nothing in this section shall supplant any requirement of the Zoning Regulations.
- 305.10 Nothing in this section shall obviate the requirement that zoning shall not be inconsistent with the Comprehensive Plan. However, the Zoning Commission and the Mayor's Office of Planning each shall consider an applicant's compliance with the requirements of this section as supportive of the Comprehensive Plan and as providing public amenities associated with an applicant's project.
- 305.11 The provisions of this section shall not apply to the following applicants:
- (a) An applicant who obtains a street or alley closing or a zoning density increase for a development that includes, on or adjacent to the site of the development, an amount of housing that is equal to the amount that would be calculated pursuant to the formula set forth in §305.3(b)(3);
 - (b) An applicant whose development obtains no additional commercial office space as a result of obtaining a street or alley closing or a zoning density increase;
 - (c) An applicant for a street or alley closing or a zoning density increase who represents a federal government agency, the Washington Metropolitan Area Transit Authority, or the Pennsylvania Avenue Development Corporation;
 - (d) An applicant who obtains additional commercial office space pursuant to the variance provisions of the Zoning Regulations;
 - (e) An applicant whose approved street or alley closing was decided by the Council, or whose approved zoning density increase was decided by the Zoning Commission, prior to October 6, 1994;
 - (f) An applicant who obtains a zoning density increase for a development that already is subject to a housing, retail, arts, or historic preservation requirement pursuant to the zoning regulations set forth in the Downtown Development District; or
 - (g) An applicant who obtains a street or alley closing or a zoning density increase for a development about which the Council, in its legislation that approves of the street or alley closing, or the Zoning Commission, in its order that approves of the zoning density increase, makes all of the following findings after a public hearing, for which prior notice of a request for this exemption was provided to each affected Advisory Neighborhood Commission and in the District of Columbia Register, and during which the burden of proof is upon the applicant to justify granting this exemption:

- (1) The development associated with the street or alley closing or zoning density increase is located within an area designated in the text or map of the Comprehensive Plan as a development opportunity area, a production and technical employment area, or a new or upgraded commercial center; and
- (2) Imposition of no housing requirement or a housing requirement that is less stringent than the requirement imposed by this section is necessary to implement objectives and policies set forth in this Plan for that designated area, which otherwise would likely not be achieved.

305.12 An applicant who obtains a street or alley closing or a zoning density increase who is required to construct or rehabilitate affordable housing pursuant to this section shall not be issued a building permit for the applicant's commercial development until the applicant certifies to the District either that a building permit has been issued for the required amount of affordable housing, or that the applicant has contributed sufficient funds to a housing provider to construct or rehabilitate the required amount of affordable housing.

305.13 An applicant who obtains a street or alley closing or a zoning density increase who is required to contribute funds to a housing trust fund pursuant to this section shall proceed in accordance with the following schedule:

- (a) Not less than one-half (½) of the required total contribution shall be made prior to the issuance of a building permit for any of the commercial development; and
- (b) The balance of the required total contribution shall be made prior to the issuance of a certificate of occupancy for any of the commercial development.

305.14 Prior to the issuance of a building permit or certificate of occupancy for the commercial development, whichever is applicable, the applicant shall certify to the District that the provisions of this section have been satisfied.

305.15 The Zoning Commission and all other agencies that have authority to adopt regulations to implement the housing linkage policies shall adopt regulations to implement the provisions of this section.

306 PUBLIC ACTION

306.1 The objectives for public action are to provide regulatory, enforcement, and financial programs to protect, maintain, and enhance the District's housing supply and to strengthen private and public neighborhood services and facilities to support the District's housing programs.

306.2 The policies established in support of the public action objectives are as follows:

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- (a) Expand the use of the District's Housing Finance Agency to finance new construction and rehabilitation of rental and owner units including rehabilitation of boarded and substandard units in the rental stock;
- (b) Provide grant and loan programs to carry out District housing policies and expand subsidies for rental housing in connection with rehabilitation efforts;
- (c) Develop additional public programs to support the construction, preservation, and maintenance of rental housing and examine the utility of specific tax incentives or other forms of financial relief to property owners who retain and repair existing buildings as rental housing;
- (d) Maintain flexibility in the use of government regulatory powers to protect the homes of District residents and undertake systematic analyses and assessments to ensure that the District's housing objectives and intervention policies are meeting the needs of the community and that the equitable implementation of these strategies serves the needs of participants in the housing development process;
- (e) Improve the enforcement of housing codes to prevent deteriorated, unsafe, and unhealthy conditions; designate for priority attention geographic areas with high incidence of code problems; provide adequate staff to carry out enforcement; identify resources to help bring housing code violations into compliance in order to help prevent displacement whenever possible; and identify alternative housing resources to accommodate households displaced by major code enforcement programs;
- (f) Promote home maintenance and improvement among low- and moderate-income homeowners and renters of single-unit housing to enable them to keep their units up to code standard (A comprehensive program for homeowners should include identification of deficiencies, counseling and technical assistance, low- interest long-term loans, and reverse equity mortgages and tax incentives. For renters of single-unit houses, offer well-publicized maintenance training programs at the neighborhood level, including counseling, technical assistance, and information on techniques to conserve energy.);
- (g) Work to achieve an adequate supply of suitable housing to meet the needs of elderly residents, continue the tenancy of elderly residents at affordable rates, and include protection of tenancies of elderly residents under laws designed to achieve these ends;
- (h) Consider permitting the development of accessory apartment units in single-family housing in all residential districts where they are not currently permitted for single, elderly persons in need of housing, and ensure that the housing standards are met in the development of accessory apartment units;

- (i) Use Planned Unit Developments R-5-A, and similar provisions of the Zoning Regulations of the District of Columbia to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations;
- (j) Provide suitable public facilities in neighborhoods targeted for large-scale housing construction or housing rehabilitation;
- (k) Encourage the development of appropriate neighborhood commercial support facilities in conjunction with neighborhood housing programs;
- (l) Reexamine pension laws that place prohibitions on the use of the public pension funds for any form of real estate investments in the region, and evaluate the feasibility of using these funds to advance the District's housing rehabilitation objectives;
- (m) Support the creation of voluntary neighborhood and District-wide housing improvement efforts including energy conservation to assist low and moderate income and elderly householders in the maintenance and improvement of their premises and neighborhoods;
- (n) Seek to direct government housing programs to areas of greatest need;
- (o) Provide for the use of tax and financing incentives where appropriate to assist in achieving the objectives of the Housing Element;
- (p) Control the conversion of residential housing to non-residential and transient use;
- (q) Work to achieve an adequate supply of child care facilities by allowing the establishment of new or the expansion of existing child care facilities in residential and mixed use areas;
- (r) Provide for expedited permit and approval processes for construction and rehabilitation of single-family and multi-family housing accommodations of four (4) or fewer units; and
- (s) Amend the Zoning Regulations to require the production or contribution to the production of affordable housing for low- and moderate-income persons throughout the District of Columbia when additional commercial office space is obtained from discretionary and otherwise appropriate zoning density increases.

399 DEFINITIONS

399.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section. In addition the following terms and phrases have the meaning ascribed:

Additional commercial office space - the extra square footage of commercial office space available to an applicant as a result of obtaining a street or alley closing or a zoning density increase.

Affordable housing - housing for low- and moderate-income households, with annual costs which do not exceed thirty percent (30%) of the maximum moderate income amount.

Assessed value - the fair market value of property as determined by the property tax assessment records of the Department of Finance and Revenue, at the time of application for a street or alley closing or a zoning density increase.

Assessed value of each square foot of additional commercial office space - the result reached by dividing the assessed value per square foot of land that comprises the development site by the maximum permitted commercial FAR before the zoning density increase.

Construction - the building of new housing for sale or rental in the District, the average square footage of which is not less than eight hundred fifty square feet (850 ft._) per unit except, in the case of single room occupancy housing, the average square footage requirement may be less than eight hundred fifty square feet (850 ft._).

Development site - the total square footage of land on lots associated with an applicant's commercial project.

Floor area ratio or FAR - the figure of density defined in the Zoning Regulations (11 DCMR 199) that expresses the total gross floor area as a multiple of the area of a lot.

Housing - private or publicly assisted residential dwelling units but which excludes transient tourist-oriented accommodations such as hotels, motels, or inns.

Housing trust fund - either the fund established under §3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Code §45-3201), or an organization that qualifies as a nonprofit organization under §501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. §501(c)(3)), and that:

- (a) Exists primarily for the purpose of assisting in the production of affordable housing units;
- (b) Operates a trust fund that disburses money for affordable housing development;
- (c) Receives applications for funds directly from developers of affordable housing;
- (d) Has adopted criteria for selection of projects and allocation of funds among various types of affordable housing developments; and
- (e) Has been certified by the Director of the Department of Housing and Community Development as a qualifying nonprofit organization that also complies with subparagraphs (a) through (d) of this

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subparagraph, with notice of the certification having been published in the District of Columbia Register.

Low-income household - a household consisting of one (1) or more individuals, as certified by the Department of Housing and Community Development, with a total income equal to less than fifty percent (50%) of the Primary Metropolitan Statistical Area median.

Moderate-income household - a household consisting of one (1) or more individuals, as certified by the Department of Housing and Community Development, with a total income equal to between fifty percent (50%) and eighty percent (80%) of the Primary Metropolitan Statistical Area median.

Rehabilitation - the substantial renovation of housing for sale or rental in the District which is not habitable for dwelling purposes because it is in substantial violation of the Housing Regulations (14 DCMR).

Square foot or square footage - refers to a gross unit of measurement.

Zoning Commission - the Zoning Commission for the District of Columbia.

Zoning density increase - additional floor area ratio for commercial office use obtained by an applicant pursuant to the Zoning Regulations which is greater than the floor area ratio permitted as a matter-of-right under the Zoning Regulations, but which does not include increased floor area ratio that is obtained pursuant to the variance provisions of the Zoning Regulations or pursuant to an amendment of the Zoning Map.

Zoning Regulations - the regulations adopted by the Zoning Commission (11 DCMR) pursuant to the authority of the Zoning Act, approved June 20, 1938 (52 Stat. 797; D.C. Code §5-413 *et seq.*).